

**ENTERED**

September 12, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LADARYL WADDLETON,

*Petitioner,*

v.

LORIE DAVIS,

*Respondent.*

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Civil Action No. H-18-3178

**ORDER OF DISMISSAL**

Petitioner, a state inmate proceeding *pro se*, files this habeas petition challenging a prison disciplinary conviction. After reviewing the pleadings under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, the Court concludes that this case must be dismissed for failure to state a cognizable habeas claim.

Petitioner complains that he received a prison disciplinary conviction for possession of a cell phone and was punished with recreation and commissary restrictions, reduction in classification and line status, and loss of accrued good time credit. It is well established that, to challenge a prison disciplinary conviction by way of a federal habeas petition, a petitioner must have received a punishment sanction which included forfeiture of previously accrued good time credit and be eligible for mandatory supervised release. *See Malchi v. Thaler*, 211 F.3d 953, 957–58 (5th Cir. 2000) (holding that only state inmates eligible for mandatory supervised release have a protected liberty interest in accrued good time credit).

Petitioner reports in his petition that he is not eligible for mandatory supervised release. Because petitioner is not eligible for mandatory supervised release, the sanctions imposed against him as a result of his disciplinary conviction provide no basis for habeas relief. Petitioner raises no cognizable federal habeas claim, and his petition must be dismissed for failure to state a claim.

The petition for habeas relief is **DENIED** and this lawsuit is **DISMISSED WITH PREJUDICE**. Any and all pending motions are **DENIED AS MOOT**. A certificate of appealability is **DENIED**.

Signed at Houston, Texas, on this the 11<sup>th</sup> day of September, 2018.

  
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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE